

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

State of Illinois, Department of Transportation,
Petitioner,

vs.

Norfolk Southern Railway Company (NS) and City of Decatur,
Respondents.

T00-0049

Petition (1) to install a pre-signal on the eastbound approach of Rock Springs Road west of the at-grade crossing of NS's dual main line tracks, and (2) to interconnect the traffic signals at the intersection of IL 48 and Rock Springs Road with the railroad warning devices at the Rock Springs Road at-grade crossing of the NS dual main line tracks and to establish the amount of minimum preemption time provided by NS to the Department for the traffic signal preemption sequence at said intersection located in Decatur, Illinois.

ORDER

By the Commission:

On May 23, 2000, the Illinois Department of Transportation ("Department") filed the above described Petition with the Illinois Commerce Commission ("Commission").

On June 2, 2000, the Norfolk Southern Railway Company ("Railway") filed its Entry of Appearance in this case.

On June 22, 2000, the Railway filed a Request for Information and Interrogatories, both directed to the Department.

On July 7, 2000 the Railway filed a Motion for Continuance in this proceeding.

On July 11, 2000 the Railway's Motion for Continuance was granted by the Commission's Hearing Examiner overseeing this proceeding and the hearing was rescheduled from July 20, 2000 to September 8, 2000.

On September 8, 2000, pursuant to proper legal notice, a hearing was held before a duly authorized Hearing Examiner at the Commission's Office in Springfield, Illinois. Appearances were entered by the Department and a member of the Commission's Railroad Section ("Staff"). No appearances were entered by the Railway or the City of Decatur ("City").

At the September 8, 2000 Hearing, Staff submitted a recommended draft order and letters from counsel for the Department, Railway and the City, acknowledging their review and acceptance of the contents of the draft order, as evidence on behalf of the Department, Railway, City and Staff. The draft order addresses all issues in the Department's petition including a division of cost among the parties and a completion date for the proposed improvements. Staff also submitted as evidence an estimate of cost prepared by the Railway to perform the proposed warning system improvements. Staff and the Department both indicated they found the estimate of cost to be satisfactory. The draft order and the estimate of cost were admitted as evidence and the record was marked "Heard and Taken".

The Commission, having given due consideration to the entire record in this matter, finds that:

- 1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- 2) the recitals of fact as set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- 3) Federal Railroad Administration Rule 49 CFR Part 234.225 provides that a highway-rail grade crossing warning system shall be maintained to activate in accordance with the design of the warning system, but in no event shall it provide less than 20 seconds warning time for the normal operation of through trains before the at-grade crossing is occupied by rail traffic;
- 4) The Commission's 92 IL Adm. Code 1535.350 provides that automatic flashing light signals shall be arranged to indicate the approach of trains on all main and auxiliary tracks included between the signals where the speed of trains approaching the crossing exceeds 5 miles per hour, for not less than 20 seconds before the arrival at the crossing of the fastest train operated over the track;
- 5) within the City a public highway known as Rock Springs Road (DOT 479 202Y) crosses at-grade the Railway's dual mainline tracks; Rock Springs Road is under the jurisdiction of the City; the railroad warning devices at the Rock Springs Road at-grade crossing consist of automatic flashing light signals and gates; Rock Springs Road intersects IL Route 48 approximately sixty two (62) feet east of the tracks, which intersection now has stop signs; IL Route 48 is under the jurisdiction of the Department; the Department proposes to replace the stop signs with highway traffic control signals, including pre-signals west of the tracks for eastbound motorists; the Department proposes to interconnect the railroad crossing warning devices with the highway traffic control signals where Rock Springs Road intersects with IL 48 in the City; the highway traffic control signals will be under the jurisdiction of the Department;

- 6) the Commission finds that the warning system improvement at the aforesaid Rock Springs Road at-grade crossing requested in the Department's petition and as stated below is in the interest of public safety and should be approved; the Commission also finds that the cost division and the completion date for the improvement as provided in the aforesaid draft order and as stated below are fair and reasonable and should be approved:

<u>Improvement</u>	<u>Est. Cost</u>	<u>Department</u>	<u>Railway</u>	<u>Completion From Order Date</u>
Install interconnect circuit and modify existing control circuitry to provide for a minimum of 26 seconds simultaneous preemption time for the normal operation of through trains at the Rock Springs Road (DOT 479 202Y) at-grade crossing in Decatur, IL.	\$8,000	100% (not to exceed \$8,000)	Any Remainder	12 Months
Install pre-signals west of the tracks for eastbound motorists and interconnect highway traffic control signals with railroad crossing warning devices.	No Estimate	100%		12 Months

IT IS THEREFORE ORDERED by the Commission that the Railway shall perform the at-grade crossing warning system improvement as set forth in Finding (6) herein and shall thereafter maintain same.

IT IS FURTHER ORDERED that the Department shall perform the highway traffic control system improvement as set forth in Finding (6) herein and shall thereafter maintain same.

IT IS FURTHER ORDERED that the cost of the improvements herein required shall be allocated as set forth in Finding (6) herein.

IT IS FURTHER ORDERED that the Railway and the Department shall perform their work herein required within twelve (12) months from the date of this Order.

IT IS FURTHER ORDERED that after the warning system work herein required has been completed, the Railway shall not take any action which would result in a reduction of the minimum simultaneous preemption time without approval of the Commission.

IT IS FURTHER ORDERED that the Railway shall comply with applicable Federal Railroad Administration ("FRA") regulations and its operating rules concerning the activation of the warning devices for low speed switching movements or train operations that require stopping short of the aforesaid Rock Springs Road at-grade crossing. Compliance with such FRA regulations and Railway operating rules for such train movements shall be deemed to be in compliance with this Order.

IT IS FURTHER ORDERED that the Railway shall design its control circuitry on the closed circuit principle, and shall furnish the simultaneous preemption in accordance with the request of the Department and in accordance with this Commission Order.

IT IS FURTHER ORDERED that the Railway shall post a readily visible notice inside its warning system cabinet notifying its personnel not to take any action which would result in a reduction of the minimum railroad preemption time herein required without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the proposed railroad preemption sequence provided in the Department's petition shall be utilized for the highway traffic control devices to be installed at the highway intersection of Rock Springs Road and IL Route 48 in the City of Decatur and shall not be altered in a manner which would reduce the amount of time vehicles encroaching the track zone would have to clear the tracks without the approval of the Commission.

IT IS FURTHER ORDERED that the Department shall post a readily visible notice inside its traffic signal cabinet notifying its personnel not to alter the railroad preemption sequence for the traffic signals interconnected with the railroad warning devices at the aforesaid interconnected at-grade crossing in a manner which would reduce the amount of time vehicles encroaching the track zone would have to clear the tracks without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the Railway shall within one hundred twenty (120) days from the date of this Order furnish the Department for its review two (2) copies of the general layout plans applying to the warning system work herein required.

IT IS FURTHER ORDERED that the Department shall, within thirty (30) days of its receipt of the aforesaid general layout plans, furnish to the Commission a statement of its approval or disapproval thereof, this for the information of the Commission when considering the application herein required to be filed in accordance with Form 3 of 92 Ill. Adm. Code 1535.

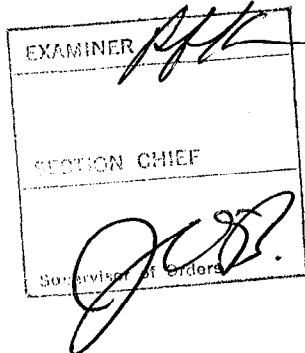
IT IS FURTHER ORDERED that the Railway shall file a Form 3 application with the Commission, in accordance with 92 Ill. Adm. Code 1535, showing details of the control circuitry work herein required and shall receive approval thereof by X-Resolution of this Commission before commencing the work of installation.

IT IS FURTHER ORDERED that the Railway shall file a written report within ninety (90) days from the date of this Order with the Director of Processing and Information of the Commission's Transportation Division, stating the progress made toward completion of its work herein required. Said report shall include the name, title, mailing address, phone number and facsimile number of the Railway employee responsible for management of this project.

IT IS FURTHER ORDERED that the Railway shall file a written notice of completion with the Director of Processing and Information, Transportation Division of the Commission within five (5) days of completion of its work herein required.

IT IS FURTHER ORDERED that subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 4th day of October, 2000.



*Richard L. Mathias*³

Chairman